



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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TECHNICAL STAFF REPORT

*Planning Board Meeting of February 28, 2008
County Council Hearing to be Scheduled*

- Case No.:** Council Bill No. _____ - 2008, amending the Subdivision and Land Development Regulations
- Petitioner:** Marsha S. McLaughlin, Director
Department of Planning and Zoning
- Request:** Implement General Plan 2000 Policies to address problems associated with neighborhood infill. This involves amending and introducing new sections in Title 16, Subtitle 1, the Subdivision and Land Development Regulations, delete, clarify, improve and expand certain language; introduce new regulations; relocate provisions to new sections and revise numbering of remaining sections; create incentives and penalties to certain sections; amend procedures and applications to Sketch, Preliminary Equivalent Sketch, Preliminary, Final and Site Development Plans.

This proposed legislation also clarifies the legislative intent of Subtitle 11, the Adequate Public Facilities Ordinance, relative to the family member lot exemption; and amends Subtitle 12 relative to Forest Retention, Reforestation and Afforestation.

Also amends the Design Manual Volume I/Storm Water Management requirements and design; amends associated plan submission checklists and amends the Design Manual Volume III/Roads and Bridges so as to reduce the number of users on a use-in-common driveway.

Department of Planning and Zoning Recommendation: Approval As Follows:

1. **DESCRIPTION OF PROPOSALS:**

See Addendum A for specific amendment language. (**CAPITALS indicate text to be added and brackets indicate [[deleted text]]**).

- A. Rules of Construction; Definitions (Sec. 16.108):
- ☐ Clarification of wording relative to pre-submission meeting requirements and add new definition of Neighborhood Infill.
- B. Lot Layout (Sec. 16.120):
- ☐ Revision of wording relative to a 35' environmental setback requiring the setback for any existing lot (deeded or platted) containing environmental features; not just newly created lots.
 - ☐ Add rain gardens (SWM) to features which must be located at least 15' from rear of house to allow for a useable rear yard and thereby deter removal or alteration by homeowner.
 - ☐ Distinguish the requirements for protecting single family units and apartment units from excessive noise levels.

- ☐ Clarification of requirements and adding limits on the number of pipestem lots. Allow no more than two, with no more than one pipestem lot stacked behind a lot that fronts on a public road, subject to certain design requirements which regulate the orientation of homes and establishment of building restriction lines. Revise use-in-common driveway specifications and location, recordation of maintenance agreements and driveway setback requirements. Pipestem lots are widely used to maximize lot yield while minimizing road construction costs. They result in haphazard lot layouts, stacked and/or odd home orientation and invasion of privacy to neighboring properties. Shared driveways also result in multiple trash cans at public road junctions, parking and vehicular turnaround problems, conflicts over snow removal and driveway repairs, etc., as well as, access difficulties for emergency or commercial vehicles.
 - ☐ Clarification of wording relative to minimum frontage requirements for commercial, industrial or apartment and single family detached development so that pipestem lots shall have sufficient frontage to collectively meet the shared access easement width requirement and shall be evenly distributed between the pipestem lots for the entire length of the pipestems
- C. Public Sites and Open Space (Sec. 16.121):
 - ☐ Replace the Open Space Chart with a new chart that revises the provisions for open space in R-20 and R-12 zoned neighborhood infill subdivisions. This adds new wording to exclude flood plain and steep slopes to derive a net acreage and to require a minimum of 10% of the net acreage as open space to accommodate SWM, Forest Conservation obligations and environmental features.
- D. Landscaping (Sec. 16.124):
 - ☐ Add new wording relative to lot design so as to encourage retention of healthy specimen trees and to provide 3:1 ratio landscape credit when retained, or if removed, to be replaced at 3:1 ratio in addition to required landscaping. This will create incentive and penalties for removing healthy, mature trees.
- E. Protection of Scenic Roads (Sec. 16.125):
 - ☐ Add new wording to increase the width of forest buffers retained along forested scenic roads from 35' to 50'. For scenic roads with open views if development is near the scenic road, require planting a forest buffer adjoining the scenic road right-of-way of at least 50' in width. The 50' wide buffer will help to screen development from the road right-of-way of a scenic road.
- F. Residential Infill Development (Sec. 16.127):
 - ☐ Delete wording relative pre-submission community meeting which has been relocated to Section 16.128 and to add new wording to improve design compatibility of all residential infill development in relation to surrounding neighborhoods.
- G. Pre-submission Community Meetings and Exceptions (Sec. 16.128):
 - ☐ Amend wording relative to who shall be notified of pre-submission community meetings, clarify the mode of notification and establish time frame for poster removal. Also to clarify expectations regarding meeting purpose and documentation of citizen concerns.

- H. Sketch Plan, Preliminary Equivalent Sketch Plan (Sec. 16.145):
 - Clarify wording regarding 45 day mylar submission deadline.
- I. Preliminary Plan (Sec. 16.146):
 - Clarify wording regarding mylar submission deadline.
- J. Article V. Procedures for Filing and Processing Site Development Plan Application (Sec.16.155):
 - Add new wording relative to when a site development plan is required. Amend the SDP exemption for development of lots in older platted subdivisions. Build-out of small narrow lots can result in access, drainage and compatibility problems which are more easily identified and addressed via a SDP, rather than a building permit.
- K. Design Manual Volume I: Storm Water Management (Sec. 4.6, 4.6.1, 5.12, 5.2.4.F. & 5.2.4.T.):
 - Add new wording relative to required information for swale computations, clarify when off-site SWM study is required, reduces the amount of disturbance for providing SWM to 2,000 sq. ft. for development in the planned water and sewer service area and restricts placement of dry wells and rain gardens from the usable rear yard area. Often alteration of infill run-off patterns is a significant problem when single family lots in the planned service area are developed causing 2,000 sq. ft. or more of disturbance. Plan submission checklists will be amended to require information on drainage patterns for surrounding lots within 500' of development and to necessitate that off-site drainage exceeding 2 cfs be shown as it conveys to surrounding storm drains, streams or open space.
- L. Design Manual Volume III: Roads and Bridges (Sec. 2.6):
 - Reduces the number of single family homes on a use-in-common driveway from 6 to 4 users. This reduction will correspond to the maximum of two pipestem lots plus two frontage lots.
- M. Subtitle 11: Adequate Public Facilities (Sec. 16.):
 - Add new wording relative to the one family lot exemption to clarify legislative intent.
- N. Subtitle 12: Forest Conservation (Sec. 16.1205, 16.1208):
 - Adds new wording relative to a minimum 50' width buffer for retention of existing forest along property lines between differing land uses or adjacent to road or utility rights-of-way. This will give priority to forest buffers that are wide enough to be meaningful as forest and help preserve the character of the existing neighborhood.
- O. Zoning Regulation Amendments (Sec. 108, 109):
 - There are also two zoning amendment proposals to address neighborhood infill concerns, ZRA 95 and ZRA 96, are presented in two separate staff reports.

2. EVALUATION AND CONCLUSIONS:

A. Relation to the General Plan

The proposed amendments are in harmony with the policies of the 2000 General Plan.

These amendments, in conjunction with the companion amendments to the Zoning Regulations, are necessary to implement the following Policies and Actions of the 2000 General Plan:

POLICY 5.6: Promote better design of new neighborhoods:

- ❑ Open Space Requirements - Revise open space and lot size requirements in the Subdivision and Land Development and the Zoning Regulations to reduce the limits of disturbance, retain natural features and the essential character of the site and to provide more area for new storm water management requirements and forest conservation obligations.

POLICY 5.7: Insure infill development will be compatible with existing neighborhoods:

- ❑ Pre-Submission Community Meeting - Require developers to notify the Howard County Council, Community Association and adjacent property owners of community meeting by mail confirmation notice.
- ❑ Design Restrictions - Consider development in relation to surrounding neighborhoods, compatibility to existing homes, restrict the number of allowed pipestems, decrease the number of users on a use-in-common driveway, restrict the orientation of new homes and enhance perimeter landscaping.

POLICY 6.2; Insure the environmental integrity of streams and wetlands:

- ❑ Stream and Wetlands Buffers - Strengthen buffer requirements to enhance protection of stream and wetland resources by requiring all lots and parcels (deeded or platted) be subject to a 35' setback if encumbered by environmental features.

POLICY 6.8; Provide protection of environmental and landscape resources within new developments:

- ❑ Environmentally Sensitive Development - Encourage more environmentally sensitive design and promote a smaller limit of disturbance so as to retain specimen trees wherever possible and to provide for open space areas for placement of environmental features and to meet forest conservation and storm water management obligations.

B. Relation to the Subdivision and Land Development Regulations

The proposed amendments are in conformance with the legislative intent of the Subdivision and Land Development Regulations, Section 16.101(a):

- (1) Assisting orderly, efficient and integrated development of land.
- (2) Providing the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the County.
- (3) Using land and buildings in ways which avoid traffic congestion and which provide for pedestrian movement.
- (8) Preserving the natural beauty, wetlands, streams, water quality, topography, forests and other vegetation.
- (9) Ensuring appropriate development with regard to natural features.
- (11) Providing for adequate open space for recreation, light and air and to prevent overcrowding of the land and undue congestion.

(13) Providing uniform procedures and standards for the processing of subdivisions.

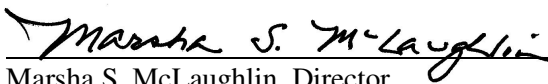
The proposed revisions are consistent with the goals listed above. The revisions will improve the relationship between new development and surrounding properties and allow for the design of infill subdivisions to be more compatible with and provide more privacy to surrounding homes. Restrictions to the number of allowed pipestems, users on a use-in-common driveway, orientation of new homes and penalty for removal of certain existing vegetation will aid in a more orderly integration of new development into existing older neighborhoods.

The revisions will require greater responsiveness to environmental features on land being developed and will require environmental setbacks on any residential lot or parcel containing sensitive areas. Development plans shall be designed to facilitate retention of healthy trees and will result in less grading and disturbance during development. Forested and wooded areas along scenic road will be maintained at a greater buffer between the road right-of-way and new development to preserve the open character of the neighborhood.

The Design Manual will be revised so that modifications to development in the Planned Service Area for existing single family lots resulting in more than 2,000 sq. ft. of disturbance will be subject to storm water management requirements. This will allow for better protection of surrounding properties from drainage or run-off problems. Storm water management devices must also be carefully sited to make sure all new lots have a useable rear yard to discourage their removal or alteration.

3. **RECOMMEND APPROVAL:**

For the reasons as noted above, the Department of Planning and Zoning recommends that the proposed amendments to the Subdivision and Land Development Regulations be APPROVED.

	02/14/08
Marsha S. McLaughlin, Director	Date
Department of Planning and Zoning	

MMcL/btb

ATTACHMENT A

DRAFT PROPOSED NEIGHBORHOOD INFILL REGULATION CHANGES

January 22, 2008

Subdivision and Land Development Regulations	COMMENTS
Section 16.108. Rules of Construction; Definitions	
<p>(b) Definitions</p> <p>(28.1) Initial Plan Submittal: For REQUIRED PRE-SUBMISSION COMMUNITY MEETINGS, [[the purposes of residential infill development requirements]] the initial plan submittal is the:</p> <ul style="list-style-type: none"> (i) Zoning petition, if it includes a Site Plan or a Preliminary Development Plan; (ii) Conditional use petition, if required; (iii) Sketch Plan or Preliminary Equivalent Sketch Plan for a major subdivision; (iv) Final Plan for a minor subdivision or resubdivision; or (v) Site Development Plan for single family units on deeded parcels, or for condominium or rental units on a parcel which is not part of a recorded subdivision that authorized an equal or greater number of residential units than proposed on the Site Development Plan. <p>(32.2) NEIGHBORHOOD INFILL – SUBDIVISIONS/RESUBDIVISIONS THAT CREATE TEN OR FEWER LOTS FROM LAND ZONED R-20 OR R-12 WITHIN OR ADJACENT TO RECORDED SUBDIVISIONS COMPRISED OF LOTS 20,000 SQ FT OR GREATER (IN R-20) OR 12,000 SQ FT OR GREATER (IN R-12) THAT HAVE EXISTING SINGLE FAMILY DETACHED HOMES.</p>	<p><i>Clarification related to expanded pre-submission meeting requirements</i></p> <p><i>Clarify that neighborhood infill is a type of residential infill.</i></p>
Section 16.120. Lot Lay-out	
<p>(b) <i>Lot Design:</i></p> <p>(4) <i>Usable design:</i> Residential lots shall be designed to be usable in terms of :</p> <ul style="list-style-type: none"> (i) Regular, generally rectangular lot shape; (ii) Lot dimensions generally not exceeding a 3:1 lot depth to lot width ratio; 	

<p>(iii) Not being encumbered by environmentally sensitive features:</p> <ul style="list-style-type: none"> a. For a lot or buildable preservation parcel 20,000 square feet or greater in size, excluding any pipestem area, steep slopes may be on the lot if located no closer than 35 feet from the building envelope. A deck may project 10 feet beyond the building envelope; b. For a lot or buildable preservation parcel of 10 acres or greater in size floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention may be located on the lot or parcel if the building envelope is no closer than 35 feet from these environmental features, provided that a deck may project 10 feet beyond the building envelope; [[c. For R-20 infill subdivisions that are restricted in using optional lot sizes under Section 16.121(a) of this Subtitle, steep slopes, floodplains, wetlands, wetland buffers, streams and stream buffers may be located on lots, provided that the building envelope is no closer than 35 feet from these environmental features, and provided that a deck may project 10 feet beyond the building envelope; and]] C. FOR THE DEVELOPMENT OF A RESIDENTIAL LOT/PARCEL (DEEDED OR PLATTED) WHICH EXISTED ON _____ (INSERT EFFECTIVE DATE OF THIS REGULATION), THE BUILDING ENVELOPE SHALL BE ESTABLISHED BY THE MORE RESTRICTIVE OF EITHER THE ZONING SETBACK OR A SETBACK OF 35' FROM ANY PROTECTED ENVIRONMENTAL FEATURE LOCATED ON THE LOT/PARCEL. DECKS MAY PROJECT UP TO 10 FEET BEYOND THE BUILDING ENVELOPE; AND d. For condominium units and rental apartments, protected environmental features shall be located in open space with units no closer than 15 feet from the protected features. <p>(iv) Not being encumbered by access easements for stormwater management facilities or open space; except in accordance with Section 16.121(e) of this Subtitle; and</p>	<p><i>Revise to clarify that environmental setback applies to any existing lot encumbered by environmental features, not just newly created lots.</i></p>
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<p>(v) Drainage</p> <p>a. RAINGARDENS OR the centerline of drainage swales shall be no closer than 15 feet from the rear of a residential dwelling.</p> <p>b. Drainage inlets, outlets, headwalls, and rip-rap shall not be located within the building envelope on residential lots unless, based on justification prepared by the developer, the Department of Planning and Zoning determines there is no better alternative.</p> <p>(5) <i>Excessive noise levels:</i></p> <p>(i) For residential subdivisions or site development plans a noise study may be required in accordance with the Design Manual. The subdivision or site development plan lay-out shall ensure that the noise level in the rear yard OF SINGLE FAMILY DWELLINGS does not exceed the standard set in the Design Manual. Where necessary, noise mitigation shall be provided. FOR THE PURPOSES OF NOISE EVALUATION THE “REAR YARD” IS DEFINED AS ANY PORTION OF THE LOT LOCATED BEHIND THE EXISTING OR PROPOSED STRUCTURE. APARTMENT UNITS SHOULD BE CONSTRUCTED TO ENSURE INTERIOR NOISE LEVELS DO NOT EXCEED THE NOISE STANDARDS OF THE DESIGN MANUAL.</p> <p>(ii) Where residential lots will be impacted by excessive noise levels from an existing or proposed highway or railroad, and a wall or fence is required for noise mitigation, it shall be located in open space and maintained by a homeowner’s association, if open space is being created. If open space is not being created, noise walls and fences shall be located on residential lots with cross easements for maintenance to be recorded with the final plat.</p> <p>(6) <i>Pipestem residential lots:</i></p> <p>[[i) <i>Limit on adjoining driveway entrances:</i> Pipestem lots are permitted. Not more than 2 pipestem lots may have adjoining driveway entrances to a public right-of-way, except that additional adjacent pipestem lots may be approved if the Department of Planning and Zoning determines that this design better protects environmental features or yields a better lot lay-out. In such instances a use-in-common driveway</p>	<p><i>Require raingardens (stormwater management features) to be located away from the home to permit a usable yard and thereby deter removal or alteration by the homeowner.</i></p> <p><i>Clarification of existing requirements.</i></p> <p><i>Pipestem lots are widely used to maximize lot yield while minimizing road construction costs. However, they result in haphazard lot lay-outs, which</i></p>
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<p>must be provided in accordance with the Design Manual.]]</p> <p>(I) <i>PIPESTEM LOTS ARE PERMITTED ONLY AS FOLLOWS:</i> A MAXIMUM OF TWO PIPESTEM LOTS MAY BE CREATED IN A PROPOSED SUBDIVISION OR RE-SUBDIVISION OF ANY LOT OR PARCEL OF LAND WHICH EXISTED IN ITS CURRENT CONFIGURATION ON _____(THE EFFECTIVE DATE OF THIS REGULATION), IF THE DESIGN COMPLIES WITH THE FOLLOWING CRITERIA:</p> <p>A. IF A PIPESTEM LOT IS CREATED BEHIND ANOTHER LOT, THE ESTABLISHMENT OF THE BUILDING RESTRICTION LINES MUST FACILITATE HOME ORIENTATIONS OF SIDE TO SIDE OR SIDE TO REAR. A TYPE B LANDSCAPE BUFFER MUST BE INSTALLED BETWEEN THE FRONT LOT AND THE PIPESTEM LOT IF THE FRONT LOT CONTAINS AN EXISTING HOME.</p> <p>B. NO MORE THAN ONE PIPESTEM LOT MAY BE SITUATED BEHIND A LOT FRONTING ON A PUBLIC ROAD, PRIVATE ROAD OR USE-IN-COMMON DRIVEWAY. THAT IS PIPESTEM LOTS MAY NOT BE STACKED BEHIND ONE ANOTHER.</p> <p>C. PIPESTEM LOTS MAY BE LOCATED ADJOINING TO ONE ANOTHER, HOWEVER ESTABLISHMENT OF THE BUILDING RESTRICTION LINES MUST FACILITATE A DESIGN WHERE THE HOMES ON THESE LOTS WILL FACE ONE ANOTHER ACROSS THE USE-IN-COMMON DRIVEWAY.</p> <p>D. A PIPESTEM LOT MAY NOT BE CREATED WITH THE PIPESTEM EXTENDING FROM THE TERMINUS OF A PUBLIC ROAD.</p> <p>(II) WHERE PIPESTEM LOTS ARE PERMITTED AND SHARE ACCESS, A USE-IN-COMMON DRIVEWAY MEETING THE SPECIFICATIONS OF THE DESIGN MANUAL MUST BE PROVIDED.</p> <p>(III) FOR PIPESTEM LOTS OR PARCELS WITH SHARED ACCESS, AN ACCESS AND MAINTENANCE EASEMENT FOR THE DRIVEWAY SHALL BE</p>	<p><i>stack homes behind each other with odd orientations and encroachment on neighbors privacy. Multiple pipestem lots on shared private driveways require stacking of trash at the juncture with the public road. Neighbor conflicts over parking, snow removal and driveway repair are often problems. Access by emergency vehicles and moving vans can be difficult.</i></p> <p><i>Relocate other provisions on pipestems misplaced under</i></p>
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<p>RECORDED FOR THE IMPACTED LOTS AND REFERENCED ON THE FINAL PLAN. WHEN APPROPRIATE, THE EASEMENT SHALL INDICATE THAT ANY PARTY TO THE EASEMENT MAY CONSTRUCT A PUBLIC ROAD TO PERMIT FURTHER SUBDIVISION.</p> <p>(IV) If subdivision lots with access from a use-in-common driveway adjoin a parcel that can be further subdivided under the parcel's current zoning, cross easements shall be recorded that will allow use and, if required by the Design Manual, improvement of the use-in-common driveway by the future adjoining subdivision. Shared use and maintenance of a single use-in-common driveway will be [[required]] PERMITTED only if the total development potential of the 2 subdivisions under current zoning will not exceed 4 units;</p> <p>(V) IT SHALL BE NOTED ON A FINAL SUBDIVISION PLAT WITH A USE-IN-COMMON DRIVEWAY THAT A REFUSE COLLECTION, SNOW REMOVAL, AND ROAD MAINTENANCE ARE ONLY PROVIDED TO THE JUNCTION OF THE PUBLIC ROAD AND THE DRIVEWAY;</p> <p>[[ii]](VI) Length of pipestem [[lot]]: The length of [[the]] ANY PERMITTED pipestem shall not exceed:</p> <p class="list-item-l1">a. 1,500 feet for non-cluster subdivision lots in the RC or RR zoning districts. For cluster subdivisions, the Department of Planning and Zoning may approve a greater pipestem length if this permits lots to be better located with respect to preservation parcels; or</p> <p class="list-item-l1">b. 800 feet for lots in all other zoning districts that are served by an individual or use-in-common driveway.</p> <p>[[iii]](VII) Minimum lot area: Minimum lot area shall not include the area of the pipestem.</p> <p>[[iv]](VIII) Front yard setback: For pipestem lots the front yard setback shall be established in the non-pipestem area to permit best utilization for the lot and greatest privacy to the adjacent lot. The front setback shall be measured as a line parallel to the front lot line.</p>	<p><i>frontage Section (c),(iv), (v) and (vi) which pertains to frontage on a public road.</i></p> <p><i>Any additional subdivision to create more than 4 lots requires construction of a public road.</i></p> <p><i>Revise numbering of remaining subsections.</i></p>
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<p>[[v)](IX)</p>	<p>Subdivision layout:</p> <ul style="list-style-type: none"> a. The subdivision lot layout shall pair [[or cluster]] pipestem lots whenever possible, so that the units on pipestem lots face each other across the use-in-common driveway. b. In order to avoid orientation and privacy problems, new homes on pipestem lots shall be oriented <u>SIDE TO SIDE OR</u> side to rear, not front to rear, in relation to adjoining lots [[that front on a public road]]. c. Pipestem lots shall not be created on both sides of a frontage lot in the same subdivision. <p>[[vi)](X) <i>Driveway setback from project boundary:</i> The driveways for pipestem lots shall be located at least [[10]] 8 feet from the project boundary to provide space for required perimeter landscaping to buffer the adjacent property. Where a [[10]] 8 foot buffer is not possible due the existing parcel's configuration, drainage, or easement constraints, or is undesirable because future subdivision of the adjoining parcel may require sharing the use-in-common driveway under subsection (c)(2)(iv) of this section, the Department of Planning and Zoning may approve a 5-foot driveway buffer. In such instances, hedge, solid fence, wall, or Type D landscape edge is required, except in the front setback from a public road, where a solid screen would block sight distance.</p>	<p><i>Ensure lot layout provides privacy for the rear yard of existing homes.</i></p> <p><i>Reduce from 10' to 8' to reflect recent amendments to the Design Manual which now requires a 16' wide driveway in a 24' easement, leaving 8' for landscaping.</i></p>
<p>(c) <i>Minimum Frontages:</i></p>	<ul style="list-style-type: none"> (1) <i>Commercial, industrial or apartment:</i> All commercial, industrial or apartment lots shall have a minimum frontage of 60 feet on an approved public road which [[provides]] COINCIDES WITH access to the property. Lots for individual businesses within a commercial center or industrial development that have shared access and parking may be approved by the Department of Planning and Zoning without public road frontage. (2) <i>Single-family detached:</i> All lots, preservation parcels, or bulk parcels for single-family detached dwellings shall have minimum lot frontages on approved streets within a public right-of-way which [[provides]] COINCIDES WITH access to the property as follows: 	<p><i>Clarification of existing requirements.</i></p>

<p>(i) 20 feet for single pipestem and non-pipestem lots and preservation parcels which cannot be further divided under current zoning;</p> <p>[[ii) Lots or preservation parcels which share access shall have sufficient frontage collectively to meet the driveway easement requirements in the Design Manual;]]</p> <p>(II) ADJOINING PIPESTEM LOTS/PARCELS SHALL HAVE SUFFICIENT FRONTAGE COLLECTIVELY TO MEET THE SHARED ACCESS EASEMENT WIDTH REQUIREMENTS OF THE DESIGN MANUAL. THIS REQUIRED FRONTAGE MUST BE EVENLY DISTRIBUTED BETWEEN THE ADJOINING PIPESTEM LOTS AND THIS MINIMUM WIDTH MUST BE SUSTAINED FOR THE ENTIRE LENGTH OF THE PIPESTEMS;</p> <p>(iii) Non-pipestem, single pipestem and [[adjacent]] ADJOINING pipestem lots which have enough subdivision potential under current zoning to require future provision of a public road shall have sufficient frontage collectively to meet the public road right-of-way requirements in the Design Manual, including future right-of-way truncation. Cross easements for future road construction shall be provided;</p> <p>[[iv) If subdivision lots with access from a use-in-common driveway adjoin a parcel that can be further subdivided under the parcel's current zoning, cross easements shall be recorded that will allow use and, if required by the Design Manual, improvement of the use-in-common driveway by the future adjoining subdivision. Shared use and maintenance of a single use-in-common driveway will be required only if the total development potential of the 2 subdivisions under current zoning will not exceed 6 units;]]</p> <p>[[v) For pipestem lots and preservation parcels LOTS/PARCELS with shared access, an access and maintenance easement for the driveway shall be recorded for the impacted lots and referenced on the final plan. When appropriate, the easement shall indicate that any party to the easement may construct a public road to permit further subdivisions.]]</p> <p>(vi) It shall be noted on the final subdivision plat that refuse collection, snow removal, and road maintenance for pipestem lots and preservation parcels are provided to the junction of the public road and the pipestem driveway; and]]</p>	<p><i>Expansion of the language in (ii) ensures adequate land is available for pipestem lots.</i></p> <p><i>Relocate (iv),(v) and (vi) to (6)(iii), (iv) and (x) since these pertain to pipestems, not frontage.</i></p> <p><i>Revise numbering.</i></p>
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<p>[[(vii)]](IV) Frontage on a public road is not required for agricultural preservation subdivisions if the lots being created are provided with an access easement containing an individual or shared driveway meeting the requirements of the Design manual.</p> <p>(3) <i>Single-family semi-detached:</i> Single-family semi-detached lots shall have a minimum of 15 feet of frontage on a public road.</p> <p>(4) <i>Single-family attached:</i> Single-family attached lots shall have a minimum of 15 feet of frontage on a public road, single-family attached lots may be approved without public road frontage provided they front on a commonly owned area containing a parking area or private road not exceeding a length of 200 feet measured from the edge of the public right-of-way along the centerline of the private road.</p> <p>(5) Non-buildable preservation parcels: Non-buildable preservation parcels shall have 20 feet of frontage unless the Department of Planning and Zoning determines that a different frontage is needed for the proposed use.</p>	
<p>Section 16.121. Public Sites and Open Space.</p>	
<p>(a) <i>Open Space Requirements:</i></p> <p>(1) <i>Purpose:</i> The purpose of open space requirements are:</p> <p>(i) To properly locate and preserve open space which protects environmental resources and provides for recreation or public use; and</p> <p>(ii) To equitably apportion costs of providing the sites necessary to serve the additional families brought into the community by subdivisions or developments on the basis of the additional need created.</p> <p>(2) <i>Calculated as percentage of [[gross]] area of proposed subdivision or site development:</i> Required open space shall be calculated as the following percentage of the gross OR NET area of the proposed subdivision or development. The area of any overhead utility transmission line easements shall be deducted from gross area before calculating the open space requirement.</p>	

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	ZONING DISTRICT	MINIMUM OPEN SPACE
RC, RR	Agricultural Preservation Subdivisions	None
	Cluster, DEO or CEO Subdivisions	None
	Non-Cluster Subdivisions	Fee-in-lieu
R-ED		50%
R-20*	All lots 20,000 sq. ft. or greater	
	Developments using optional lot size.**	
	Min. Lot size 18,000 sq. ft.	10%
	Min. Lot size 16,000 sq. ft.	20%
	Min. Lot size 14,000 sq. ft.	30%
	Min. Lot size 12,000 sq. ft.	40%
R-12*	All lots 12,000 sq. ft. or greater	8%
	Developments using optional lot size.*	
	Min. Lot size 10,800 sq. ft.	10%
	Min. Lot size 9,600 sq. ft.	20%
	Min. Lot size 8,400 sq. ft.	30%
	Min. Lot size 7,200 sq. ft.	40%
R-SC		25%
R-SA-8		25%
R-A-15		25%
RMH		25%
PEC, NT, MXD, PGCC, PSC		As provided in Zoning Regulations

*Developers in the R-20 and R-12 districts electing to use optional lot size shall select an optional minimum lot size to apply to the entire subdivision. For example, the developer of a 50-acre parcel in the R-20 district may create a subdivision with a minimum lot size of 14,000 square feet if at least 30 percent of the gross parcel area, or 15 acres, is provided as open space.

**R-20 infill subdivisions or resubdivisions creating 10 or fewer lots may not use the optional lot size method unless there are wetland, stream or floodplain areas that the Department of Recreation and Parks wants to be dedicated to the County as open space. The creation of homeowner association open space is not permitted. If dedication to the County is required, R-20 lot sizes may be reduced to 18,000 square feet, exclusive of the pipestem areas.

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The existing open space chart is deleted and replaced by the chart on the next page.

ZONING DISTRICT		MINIMUM OPEN SPACE
RC, RR	AGRICULTURAL PRESERVATION SUBDIVISIONS CLUSTER, DEO OR CEO SUBDIVISIONS, NON-CLUSTER SUBDIVISIONS	NONE NONE FEE-IN-LIEU*
R-ED		50% OF GROSS ACRES
R-20	<ul style="list-style-type: none"> ▪ R-20 SUBDIVISIONS WITH 11 OR MORE RESIDENTIAL LOTS** <ul style="list-style-type: none"> - MINIMUM LOT SIZE 20,000 SQ. FT. - MINIMUM LOT SIZE 18,000 SQ. FT. - MINIMUM LOT SIZE 16,000 SQ. FT. - MINIMUM LOT SIZE 14,000 SQ. FT. - MINIMUM LOT SIZE 12,000 SQ. FT. ▪ R-20 NEIGHBORHOOD INFILL SUBDIVISIONS/ RESUBDIVISIONS WITH 10 OR FEWER RESIDENTIAL LOTS*** <ul style="list-style-type: none"> - MINIMUM LOT SIZE 20,000 SQ. FT. 	6% OF GROSS ACRES 10% OF GROSS ACRES 20% OF GROSS ACRES 30% OF GROSS ACRES 40% OF GROSS ACRES 10% OF NET ACRES
R-12	<ul style="list-style-type: none"> ▪ R-12 SUBDIVISIONS/ RESUBDIVISIONS WITH 11 OR MORE RESIDENTIAL LOTS** <ul style="list-style-type: none"> - MINIMUM LOT SIZE 12,000 SQ. FT. - MINIMUM LOT SIZE 10,800 SQ. FT. - MINIMUM LOT SIZE 9,600 SQ. FT. - MINIMUM LOT SIZE 8,400 SQ. FT. - MINIMUM LOT SIZE 7,200 SQ. FT. ▪ R-12 NEIGHBORHOOD INFILL SUBDIVISIONS WITH 10 OR FEWER RESIDENTIAL LOTS*** <ul style="list-style-type: none"> - MINIMUM LOT SIZE 12,000 SQ. FT. 	8% OF GROSS ACRES 10% OF GROSS ACRES 20% OF GROSS ACRES 30% OF GROSS ACRES 40% OF GROSS ACRES 10% OF NET ACRES
R-SC, R-SA-8, R-A-15 AND R-MH		25% OF GROSS ACRES
NT, PGCC, MXD, PSC, POR, CCT, R-SI, CAC, TOD, TNC		AS REQUIRED IN THE ZONING REGULATIONS
<p>*IF THE DEPARTMENT OF RECREATION AND PARKS WANTS DEDICATION OF OPEN SPACE WITHIN THE SUBDIVISION (INSTEAD OF A FEE-IN-LIEU), 5% OF THE GROSS SITE ACREAGE SHALL BE DEDICATED TO THE COUNTY.</p> <p>**DEVELOPERS IN THE R-20 AND R-12 DISTRICTS ELECTING TO USE AN OPTIONAL LOT SIZE SHALL SELECT A MINIMUM LOT SIZE TO APPLY TO THE ENTIRE SUBDIVISION. THE CORRESPONDING PERCENTAGE OF THE GROSS SITE AREA MUST BE ESTABLISHED AS OPEN SPACE REGARDLESS OF HOW MANY LOTS ARE PROPOSED AT THE SELECTED MINIMUM LOT SIZE.</p> <p>***FOR R-20 AND R-12 NEIGHBORHOOD INFILL SUBDIVISIONS/RESUBDIVISIONS WITH 10 OR FEWER LOTS, THE DEVELOPER MAY NOT REDUCE LOTS SIZES BELOW 20,000 SQ. FT. (R-20) OR 12,000 (R-12) AND THE DEVELOPER MUST CREATE OPEN SPACE EQUAL TO A MINIMUM OF 10% OF THE NET SITE AREA. FLOODPLAIN AND STEEP SLOPES EXCLUDED TO CALCULATE THE NET SITE AREA MUST BE INCLUDED WITHIN THE OPEN SPACE PROVIDED.</p>		

For R-20 and R-12 neighborhood infill, calculate the net area of the site excluding floodplain and steep slopes. Provide 10% of the net area as open space so that the open space is sized to accommodate stormwater management and forest conservation requirements, in addition to the environmentally sensitive areas. The remaining net acreage can be divided into residential lots.

Section 16.124. Landscaping.	
<p>(D) DEVELOPMENT PLANS SHOULD BE DESIGNED TO FACILITATE THE RETENTION OF HEALTHY SPECIMEN TREES OF 18 INCH CALIPER OR GREATER:</p> <p>(1) DEPENDING ON THE LOCATION OF THE SPECIMEN TREE, AND THE PROPOSED GRADING AND CONSTRUCTION, LANDSCAPING CREDIT MAY BE GIVEN FOR ITS RETENTION.</p> <p>(2) IF A HEALTHY SPECIMEN TREE IS PROPOSED FOR REMOVAL AS PART OF THE DEVELOPMENT PLAN, IT MUST BE REPLACED AT A 3:1 RATIO WITH TREES HAVING A MINIMUM 2.5 INCH CALIPER. THESE REPLACEMENT TREES ARE REQUIRED IN ADDITION TO ANY REQUIRED LANDSCAPING FOR THE PROJECT.</p> <p>(3) IF SPECIMEN TREES OF 18 INCH CALIPER ARE RETAINED, EACH RETAINED TREE SHALL BE CREDITED AT A 3:1 RATIO FOR ANY REQUIRED LANDSCAPING.</p>	<p><i>Create incentives and penalties for removing healthy, mature trees.</i></p> <p><i>Renumber remaining subsections</i></p>
<p>[[(d)]](E) <i>Reforestation and Afforestation:</i></p> <p>(1) Certain forms of landscaping may be used to meet the reforestation or afforestation requirements of the forest conservation plan upon approval of the Department of Planning and Zoning.</p> <p>(2) The amount of the landscaped area to be credited for forest conservation obligations shall be in accordance with Title 16, Subtitle 12 of the Howard County Code and the standards for landscaping substitutions cited in the Howard County Forest Conservation Manual.</p> <p>(3) Landscaping used to fulfill forest conservation requirements shall be included in the required construction and post-construction protection and management agreements and shall be in open space, or in areas protected by binding, long-term protective agreements under the same terms that apply to other reforestation or afforestation areas as described in Subtitle 12 of this Title.</p>	
<p>[[(e)]](F) <i>Street Trees and Right-of-Way Plantings:</i></p> <p>(1) Street trees with a minimum of at least 2.5-inch caliper shall be required in all districts. Street tree plantings shall be provided on new internal roads and on existing roads involving road improvements as described in the Landscape Manual. Existing trees to be preserved in</p>	

	<p>or adjacent to the right-of-way may be approved and may be granted up to 100% credit towards meeting this requirement.</p> <p>(2) Street trees shall not be counted towards reforestation or afforestation requirements of the forest conservation program. Street trees shall not be counted towards the landscape requirements of Subsection (b) of this Section.</p> <p>(3) Street trees requirements shall be shown on the final plan or the site development plan if required by the State Highway Administration.</p>	
[[f)](G)	<p><i>Landscape installation:</i></p> <p>(1) Required landscaping shall be included in the developer's agreement for the subdivision or development; additional surety is required</p> <p>(2) When there is no developer's agreement required for a subdivision or site development plan with landscaping, the grading permit application and surety shall be modified to incorporate landscaping requirements.</p> <p>(3) All landscaping shown on the approved final plan or site development plan shall be completed in accordance with the approved landscape plan before a release of surety. Prior to such release, the developer shall submit to the County evidence that a 1-year guarantee has been executed.</p>	
[[g)](H)	<p><i>Maintenance:</i></p> <p>(1) The owner, tenant, and their respective agents, if any, shall jointly and severally be responsible for the maintenance of the required landscaping. All required plantings shall be maintained in good growing condition, and whenever necessary, replaced with comparable new plant materials to ensure continued compliance with applicable regulations.</p> <p>(2) No plant material shall be allowed to encroach on road rights-of-way so that sight distance is impeded.</p> <p>(3) Required berms, fences and walls shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.</p>	

Section 16.125. Protection of Scenic Roads.	
<p>(b) <i>Guidelines for Development of Land [[Abutting]] ADJOINING a Scenic Road</i></p> <p>(2) <i>Forested or wooded areas.</i> Any new developments located along scenic roads must maintain at least a [[35]] 50 foot buffer of existing forest or wooded area between the road RIGHT-OF-WAY and the new development. [[The buffer shall be wide enough to maintain the road's visual character with a minimum width of at least 35 feet from the road right-of-way.]]</p> <p>(3) <i>Areas with open views.</i></p> <p>(i) Cluster development to retain as much as possible of the open character of the site and to minimize interference with panoramic views from the road.</p> <p>(ii) Where possible, site new buildings behind natural screening or cluster development in or along the edges of forests, at the edges of fields and hedgerows, or near existing buildings.</p> <p>(iii) Preserve the foreground meadow, pasture or cropland and place development in the background as viewed from the road.</p> <p>(iv) Avoid placing structures on the tops of prominent ridges.</p> <p>(v) If new construction cannot be made unobtrusive through siting or the use of natural screening, use landscaping including berms, to buffer development from the scenic road.</p> <p>(VI) FOR RESIDENTIAL DEVELOPMENT, UNLESS THERE IS A PRESERVATION PARCEL OF AT LEAST 200 FEET IN DEPTH (AS MEASURED FROM THE RIGHT-OF-WAY OF THE SCENIC ROAD), THE DEVELOPER SHALL PLANT A FOREST BUFFER OF AT LEAST 50 FOOT DEPTH ADJOINING TO THE SCENIC ROAD RIGHT-OF-WAY.</p>	<p><i>Increase the width of forested buffer retained along a scenic road that has a forested or wooded scenic character. This pertains to forest retention only. See (b)(3)(vi) below for planting requirements along scenic roads with open character. Delete second sentence which is redundant.</i></p> <p><i>For scenic roads characterized by open views, development should be setback from the road to maintain the open character. However, if this is not possible, a forested buffer is required to screen the review of new development.</i></p>

Section 16.127. Residential Infill Development.	
<p>(a) Purpose:</p> <ol style="list-style-type: none"> (1) Accommodate growth within areas that already have infrastructure and public facilities in the context of existing communities; (2) Ensure development occurs in a manner that protects the environment, achieves high quality design and strengthens existing communities; and (3) Encourage investment in older established communities. <p>[[b)]]<i>Pre-submission community meeting:</i> A pre-submission community meeting is required prior to the initial submittal of plans for new residential infill developments submitted after November 15, 2001, according to the procedures established in Section 16.128 of this Title.]]</p> <p>[[c)] <i>Design of infill Development:</i></p> <ol style="list-style-type: none"> (1) The developer of a residential neighborhood infill project shall create compatibility with the existing neighborhood by designing the project to either: <ol style="list-style-type: none"> (i) Be the same as the surrounding residential neighborhood in terms of unit type (SFD, SFA, APTS); or (ii) Achieve compatibility by using enhanced perimeter landscaping adjacent to lots with existing homes. Either Type B Landscaping within a 20-foot setback or Type C Landscaping within a 10-foot setback may be used.]] <p>(B) DESIGN OF ALL RESIDENTIAL INFILL DEVELOPMENTS</p> <p>[[2)]The following provisions are intended to improve the design of [[a)] ALL residential infill [[project and its relationship]] DEVELOPMENT IN RELATION to surrounding residential development:</p> <p>[[i)](1)Provide connectivity between on-site and off-site vehicular and pedestrian systems, protected environmental lands, and other open space.</p>	<p><i>Section 16.127 was originally adopted to establish a pre-submission community meeting for residential infill development inside the Planned Service Area for Public Water and Sewer Service (the County's Smart Growth Priority Funding Area). Pre-submission meetings are now also required for non-infill projects in the Rural West (see Section 16.128). Delete subsection (b) which now is redundant.</i></p> <p><i>Revise and relocate parts of subsection (c) to more specifically address infill within established R-20 and R-12 neighborhoods, as well as design requirements for all residential infill.</i></p>

<p>[[ii]](2) Incorporate into the design locally significant site features, such as historic structures, unique topographic features, specimen trees, or other existing healthy buffer landscaping.</p> <p>[[iii]](3) Privacy:</p> <p>[[a.]](i) Location and design lots, buildings and site improvements to minimize infringement on the privacy of adjoining residential properties.</p> <p>[[b.]](ii) Use increased landscaping, berms, fences or walls, to effectively screen views of rear yards and decks from PROPOSED OR EXISTING RESIDENCES AND FROM public roads.</p> <p>(4) COMPATABILITY:</p> <p>(i.) FOR A RESIDENTIAL INFILL PROJECT THAT IS SURROUNDED BY AN EXISTING ESTABLISHED NEIGHBORHOOD, CREATE COMPATIBILITY WITH THE EXISTING NEIGHBORHOOD BY DESIGNING THE PROJECT TO EITHER:</p> <p>(A) BE THE SAME AS THE SURROUNDING RESIDENTIAL NEIGHBORHOOD IN TERMS OF UNIT TYPE (SFD, SFA, APTS); OR</p> <p>(B) ACHIEVE COMPATIBILITY BY USING ENHANCED PERIMETER LANDSCAPING ADJOINING TO LOTS WITH EXISTING HOMES. EITHER TYPE B LANDSCAPING WITHIN A 20-FOOT SETBACK OR TYPE C LANDSCAPING WITHIN A 10-FOOT SETBACK MAY BE USED.</p> <p>(ii.) A R-20 OR R-12 NEIGHBORHOOD INFILL DEVELOPMENT OF 10 OR FEWER LOTS SHALL COMPLY WITH BOTH (A) AND (B) ABOVE.</p>	<p><i>Conditional uses for age-restricted housing may allow for unit diversity as do most zoning districts, but such development should still be compatible. Small neighborhood infill projects in established single family R-20 and R-12 communities can be more disruptive than infill in more diverse areas <u>and thus must comply with both compatibility requirements in sub-section(4)i.</u></i></p>
<p>Section 16.128.Pre-submission community meetings; exceptions.</p>	
<p><i>Pre-submission community meetings:</i> A pre-submission community meeting is required prior to the initial submission of plans for all new residential developments according to the following procedures:</p> <p>(a) The initial plan submittal shall be as defined in section 16.108 of this Subtitle</p>	

<p>(b) The meeting shall be:</p> <ul style="list-style-type: none"> (1) Held at location within the community, in a public or institutional building located within approximately five miles of the subject property; and (2) Scheduled to start between 6 p.m. and 8 p.m. on a weekday evening, or to be held between 9 a.m. and 5 p.m. on a Saturday, excluding all official County Holidays and Rosh Hashanah, Yom Kippur, Eid Ul Fit or Eid Ui Adha. <p>(c) The developer shall provide three weeks advance notice regarding the date, time, and location of the pre-submission community meeting to be held for a new residential development project to:</p> <ul style="list-style-type: none"> (1) All adjoining property owners identified in the records of the State Department of Assessments and Taxation, THE HOWARD COUNTY COUNCIL AND ANY COMMUNITY ASSOCIATION THAT REPRESENTS THE GEOGRAPHIC AREA OF THE SUBJECT PROPERTY OR ANY ADJOINING PROPERTIES. ALL ARE TO BE NOTIFIED by first-class mail WITH DELIVERY CONFIRMATION NOTICE; and (2) The Department of Planning and Zoning, which will place the meeting notice on the Department's web site; [[and]]. <p>[[(3) The Howard County Council; and [CB 8-2006, eff. 5/9/06]]</p> <p>[[(4) Any community association that represents the area of the subject property or any adjacent properties. [CB 58-2005, eff. 12/12/05] [CB 57-2006, eff. 10/03/06]]</p> <p>The property involved shall be posted with the time, date and place of the initial meeting. The sign shall include the address of Department of Planning and Zoning's website. The property shall be posted for at least [[two]] THREE weeks immediately before the meeting. The poster shall be double-sided and at least 30 inches by 36 inches in size. The poster shall include a three digit alphanumeric code, which would be used to identify the case. The alphanumeric code shall be posted by the Department of Planning and Zoning in at least five inch lettering in the top left corner of the poster. The Department of Planning and Zoning shall determine the number of posters required and their location and the petitioner shall bear the expense of posting. The posters shall be erected perpendicular to the road which serves as the mailing address of the subject property. The Department of Planning and Zoning shall supply the posters. The petitioner shall properly erect and maintain the posters. THE PETITIONER SHALL REMOVE THE POSTER WITHIN 30 DAYS</p>	<p><i>Incorporate notification requirements from (3) and (4) below and clarify mode of notification to all parties.</i></p> <p><i>Make posting time consistent with 3 week mailed notice</i></p>
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<p>FOLLOWING THE DATE OF THE MEETING.</p> <p>(d) The pre-submission community meeting is for the developer to [[provide]] PRESENT THE DEVELOPMENT PLAN, TO PROVIDE information to the community regarding the proposed residential development and to allow community residents to ask questions and make comments. THE DEVELOPER AND THE DESIGN CONSULTANT MUST ATTEND THE MEETING.</p> <p>(e) A certification that meeting notices were mailed and [[a summary]] MINUTES SUMMARIZING the comments made by residents at the pre-submission community meeting shall be transmitted by the developer to meeting attendees and the Department of Planning and Zoning when the initial plans are submitted for County review. THE MEETING MINUTES MUST INCLUDE A POINT-BY-POINT RESPONSE TO CITIZEN CONCERNS EXPLAINING HOW EACH CONCERN HAS BEEN ADDRESSED, AND IF CONCERNS CANNOT BE ADDRESSED, THE REASON WHY NOT.</p> <p>(f) Citizens may request a meeting with a staff member of the Department of Planning and Zoning to review the development proposal after the initial plan has been formally submitted to the Department.</p> <p>(g) If the developer does not submit plans to the Department of Planning and Zoning within 1 year of the pre-submission community meeting, another pre-submission community meeting and notification in accordance with Subsection [[b(1)]] (B) of this Section shall be required.</p> <p>[[Section 16.129 Reserved]]</p>	<p><i>Established timeframe for removing pre-submission meeting posters.</i></p> <p><i>Clarification of expectations regarding meeting purpose, as well as documentation of response to citizen concerns.</i></p> <p><i>Correction</i></p>
<p>Section 16. 145.Sketch Plan; Preliminary Equivalent Sketch Plan.</p> <p>(b) <i>Procedures:</i></p> <p>(7) <i>File original tracings of approved plan:</i> WITHIN 45 DAYS OF PLAN APPROVAL, the developer shall file original tracings of the [[approves]] APPROVED sketch or preliminary equivalent sketch plan with the Department of Planning and Zoning [[prior to the submission of the next plan stage]]. The original tracing shall be on a durable, reproducible of mylar or comparable material approved by the Department of Planning and Zoning.</p>	<p><i>Clarifying submission deadline</i></p>

Section 16.146.Preliminary Plan.	
<p>(b) <i>Procedures:</i></p> <p>(3) <i>File original tracings of approved preliminary plan:</i> WITHIN 45 DAYS OF PLAN APPROVAL, the developer shall file original tracings of the approved preliminary plan with the Department of Planning and Zoning [[prior to the submission of the final plan]]. The original tracing shall be on a durable, reproducible of mylar or comparable material approved by the Department of Planning and Zoning.</p>	<i>Deadline clarification</i>
Article V. Procedures for Filing and Processing Site Development Plan Applications	
Section 16.155. Applicability.	
<p>(a) <i>A site development plan, approved by the Department of Planning and Zoning, is required for:</i></p> <p>(2) <i>Residential:</i> New Residential development as follows:</p> <p>(ii) Development of single-family detached residential lots and deeded parcels within the Planned Service Area for both public water and sewer; except that lots in recorded subdivisions created before February 7, 1976 are exempt from site development plan requirements unless more than 5,000 square feet of disturbance is proposed and the lots have not been reconfigured or merged through the recordation of a plat recorded on or after February 7, 1976. HOWEVER, PRE-1976 EXEMPT LOTS THAT DISTURB 2,000 SQUARE FEET OR MORE OF LAND REQUIRE A DETAILED PLOT PLAN WITH THE BUILDING PERMIT SO THAT GRADING AND DRAINAGE CAN BE EVALUATED TO AVOID ADVERSE IMPACTS ON ADJOINING PROPERTIES, and</p> <p>(iii) Residential lots with New Town zoning, not meeting the requirements of subparagraphs (i) or (ii) of this Paragraph, where the final development plan criteria require submission of a site development plan.</p> <p>(IV) IN THE PLANNED SERVICE AREA, TEAR DOWN AND REPLACEMENT OF EXISTING HOMES AND HOME ADDITIONS THAT DISTURB 2,000 SF OR MORE OF LAND ARE EXEMPT FROM THE SITE DEVELOPMENT PLAN REQUIREMENT. HOWEVER, A DETAILED PLOT PLAN IS REQUIRED WITH THE BUILDING PERMIT SO THAT GRADING AND</p>	<i>Revise the SDP exemption for development of lots in older platted subdivisions such as Lennox Park, Harwood Park and North Laurel Park. Build-out of these small lots can result in drainage problems, which need to be evaluated at the building permit statge</i>

<p>DRAINAGE CAN BE EVALUATED TO AVOID ADVERSE IMPACTS ON ADJOINING PROPERTIES.</p>	
(3)	<p><i>Conditional Use:</i> All conditional uses in commercial or industrial districts. In other districts, the Department of Planning and Zoning may require a site development plan for conditional uses which require exterior site improvements.</p>
(a)	<p>For residential development not listed in (a) above, a plot plan shall be submitted in conjunction with the building permit application and in accordance with the requirements of the Department of Inspections, Licenses and Permits.</p>

STORMWATER MANAGEMENT – Design Manual Volume I	
4.6 RESIDENTIAL LOT DRAINAGE REQUIREMENTS	
4.6.1 Drainage Swales and Surface Drainage Easements	
<p>D. The maximum drainage area to any swale between two (2) houses shall be 1.0 acre. If the distance between the two (2) houses is much greater than the typical 15 or 20 feet, a greater amount of flow may be allowed in the swale. A designed swale shall be shown on the plans with the typical section and hydraulic data. COMPUTATIONS FOR SWALES BETWEEN TWO STRUCTURES SHALL DEMONSTRATE THAT THE 10-YEAR WSE IN THE SWALE IS 6” OR LESS AND THE SWALE IS A MINIMUM 1’ BELOW THE FFE OF THE STRUCTURE.</p> <p>H. WHERE A STORM DRAIN OUTFALL, STORMWATER MANAGEMENT OUTFALL OR CONCENTRATED LOT DRAINAGE EXCEEDS 2.0 CFS FOR A 1-YEAR STORM EVENT, AT THE COUNTY’S SOLE DISCRETION, A DETAILED STUDY SHALL BE PROVIDED AT LEAST 500 FT DOWNSTREAM OF THE OUTFALL BELOW THE PROPERTY LINE TO ENSURE THAT NO DELETERIOUS IMPACTS ARE CREATED AND THAT THE RUNOFF CAN BE SAFELY CONVEYED TO AN ACCEPTABLE OUTFALL.</p>	<p><i>Modifications to development in the PSA for existing single family lots that result in more than 2,000 square feet of disturbance will be subject to stormwater management requirements. Alteration of infill run-off patterns is often a significant problem.</i></p>
5.12 Applicability	
<p>B. The following activities are exempt from the provisions and requirements of providing stormwater management provided that the work will not cause an adverse impact of the receiving wetland, watercourse or water body:</p> <ol style="list-style-type: none"> 1. IN THE PLANNED SERVICE AREA FOR BOTH PUBLIC WATER AND SEWER, additions, modifications OR TEARDOWN/REPLACEMENTS to existing single-family residential structures that do not disturb over [[5,000]] 2,000 square feet of land area. Disturbance is defined as any area in which the natural, or existing, vegetative cover has been removed or altered (except grass to grass) and, therefore, is susceptible to erosion. 2. [[New]] Other Developments that do not disturb over 5,000 square feet of land area. 	<p><i>Plan submission checklists will be amended to require information on the drainage context in terms of:</i></p> <ol style="list-style-type: none"> 1. <i>drainage patterns for surrounding lots (within 500 feet) and</i> 2. <i>how off lot drainage that exceeds 2 cfs. is conveyed to an acceptable storm drain or stream/open space within 500’ offsite.</i>

<p>5.2.4 Design Considerations</p> <p>F. Where a stormwater plan involves concentration or increase of runoff from the site IN EXCESS OF 2.0 CFS FOR THE 1-YEAR STORM EVENT, it shall be the responsibility of the developer TO ANALYZE THE DOWNSTREAM IMPACTS WITHIN 500 FT OF THE OUTFALL AT THE PROPERTY LINE TO ENSURE SAFE CONVEYANCE TO AN ADEQUATE OUTFALL AND to obtain from the adjacent property owners any easements or other necessary property interest concerning the flowage of water. Approval of a stormwater management plan does not create or affect any such responsibilities.</p> <p>5.2.5 Design Requirements</p> <p>T. Stormwater credits can be utilized on development projects in accordance with the Stormwater Design Manual, Volumes I & II and shall be utilized in each specific drainage area where they are located if multiple drainage areas are used. The following are requirements for specific credits to be used:</p> <p>2. The use of the Disconnection of Rooftop Runoff credit shall be restricted to providing a 75' vegetative filter strip at a maximum slope of 5% for each downspout or in close proximity thereof. The 75' length can be reduced to 60' where the runoff sheet flows to a roadside ditch or swale. The maximum contributing rooftop drainage area shall be limited to 500 sft. per downspout. The property shall be graded to promote sheet flow and meet all criteria established in the State Design Manual.</p> <p>The use of dry wells and rain gardens to reduce or eliminate the 75' sheet flow requirement shall be limited to no more than two (2) per lot. PLACEMENT OF THESE FACILITIES SHALL NOT IMPEDE THE USABLE YARD AREA DEFINED IN SECTION 16.120(b)(4)(v) OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.</p>	
<p>ROADS AND BRIDGES – Design Manual Volume III</p>	
<p>2.6 Driveways</p> <p>A. General</p> <p>Control of driveway location and design is essential in assuring that a road will be capable of performing its intended role through and even beyond the design year. Driveways must</p>	<p><i>On lot stormwater management devices must be carefully sited so the owner has a usable lot and will not be tempted to remove or alter them.</i></p>

be so located as to minimize impact on traffic flow and still provide access consistent with the road's classification and projected volumes.

The control of access shall be in accordance with the functional classification of the road and refined traffic studies.

There are three types of driveways: residential, commercial and industrial, and high volume. Residential and use-in-common driveways are those serving single-family houses with no more than ~~[[six (6)]]~~ FOUR (4) dwelling units. Commercial and industrial driveways serve primarily employment and shopping areas, and are consequently used by more trucks and larger number of vehicles than residential driveways. High volume driveways are those with anticipated volumes exceeding 200 peak hour vehicles (total volume for both directions for a two-way entrance or the total volume for a one-way entrance).

The design of residential and commercial and industrial driveways is discussed herein. High volume driveways shall be designed in accordance with intersection design criteria. High volume driveways must be analyzed in the same manner as roadways. Depending on the movements that the high volume driveway supports (i.e., 1-way or 2-way) the analysis may require an examination of queuing acceleration/deceleration criteria, level of service, signal warrants or all of these factors.

B. Residential

The desired width of residential driveways and easements, when required, is as shown in Table 2.10.

TABLE 2.10
REQUIRED MINIMUM DRIVEWAY WIDTHS

Lots Served	Driveway Width (ft)	Corresponding Easement (min) (ft)
1	12	N/A
2 to [[6]] 4	16	24*

Reduce the maximum number of lots that may share a common driveway from 6 to 4, which corresponds to a maximum of 2 pipestem lots plus 2 frontage lots.

<p>SUBTITLE 11 ADEQUATE PUBLIC FACILITIES</p>	
<p>Section 16.</p>	
<p>(b) Residential Projects:</p> <p>(1) Exempt residential plans: The following residential subdivisions and site development plans are exempt from the requirement to pass the test for adequate road facilities and the requirement to pass the tests for allocations and adequate public school facilities as a condition of approval:</p> <ul style="list-style-type: none"> (i) Parcel divisions (see Subdivision Regulations [Subtitle 1 of this Title]). (ii) Subdivisions in agricultural preservation easements for dwellings of the owner or the owner's children or other dwelling lots permitted on agricultural preservation easements. (iii) Residential resubdivisions (see Subdivision Regulations) which do not increase the number of housing units allowed. (iv) Residential final subdivision plans pending on the effective date of this Subtitle, provided that the plan proceeds to recordation in accordance with the Subdivision Regulations. (v) Minor subdivision plans and resubdivisions, located in RC and RR zoning districts outside of the Planned Service Area Boundary for Water and Sewer, which create the potential for only 1 additional dwelling unit from a lot existing on April 10, 1992. (vi) Minor subdivision plans and resubdivisions which create the potential of only one additional dwelling unit to be conveyed to an immediate family member or members from a lot existing on April 10, 1992, provided that the following conditions are met: <ul style="list-style-type: none"> a. The property owner must have owned the property for a minimum of three years before requesting subdivision; and b. The family member must be either a parent, child, or sibling. The term immediate family member does not include step-parents, step-children, or step-siblings; and c. The property owner shall not seek further subdivision of the property or another family member exemption for a period of three years. IF A SUBDIVISION TO CREATE ADDITIONAL LOTS HAS ALREADY BEEN SUBMITTED, IT MUST BE WITHDRAWN FOR THREE YEARS IN ORDER TO BE ELIGIBLE FOR THIS ONE FAMILY LOT EXEMPTION. 	<p><i>Clarification of legislative intent.</i></p>

<p>d. The granting of this family member exemption shall prohibit the property owner from seeking a hardship exemption.</p> <p>A maximum of three family member exemptions per year per planning area may be granted by the Department of Planning and Zoning. The Department of Planning and Zoning shall annually prepare a home ownership report on this exemption for the Council.</p> <p>(vii) Minor subdivision plans and resubdivisions, which create the potential of only one additional dwelling unit from an adjoining lot existing before April 10, 1992, for property owners with economic hardships. Upon the property owner's written request to the Department of Planning and Zoning the severe economic hardship that the property owner is sustaining and provide the following evidence, which shall be forwarded by the Department to the County Council with a recommendation concerning the exemption:</p> <ul style="list-style-type: none"> a. Verification of ownership of the property to be subdivided for at least three years before the submittal of the economic hardship exemption request; and b. A recent financial statement that shows the property owner's complete assets and liabilities supported by an Affidavit of the property owner; and c. Other information regarding the severe economic hardship that the property owner is sustaining, including but not limited to information from lenders, lien holders, creditors, attorneys, tax collectors or other third parties who have acknowledge as to the economic condition of the property owner; and d. Any notice of foreclosure on the property; and e. Any medical bills that are not covered by health insurance for a medical condition/treatment of the property owner or immediate family member of the property owner. For purposes of this section, the immediate family member shall be either a spouse, parent, child or sibling but shall not include step-parents, step-children or step-siblings; and f. Any other evidence that the property owner has no other reasonable means of relieving that economic hardship. <p>The granting of this hardship exemption shall prohibit the property owner from seeking a family member exemption.</p>	
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<p>SUBTITLE 12 FOREST CONSERVATION</p>	
<p>Section 16.1205.Forest Retention Priorities.</p>	
<p>(a) <i>On-site Forest Retention:</i> The following vegetation and specific areas are considered priority for on-site retention and protection in the county. Subdivision, site development, and grading shall leave this vegetation and these specific areas in an undisturbed condition unless demonstrated, to the satisfaction of the Department, that reasonable efforts have been made to protect them and the plan cannot be reasonably altered or that forest planting in an alternate location would have greater environmental benefit:</p> <p>(6) Property line and right-of-way buffers[[],] WITH A MINIMUM WIDTH OF 50 [particularly adjacent to scenic roads];</p>	<p><i>Increase the minimum width of forest retention buffers to preserve character of scenic roads and existing neighborhoods.</i></p>
<p>Section 16.1208 Reforestation and Afforestation Location Priorities and Preferred Methods.</p>	
<p>(a) <i>Location Priorities:</i> The Following are priority locations for reforestation and afforestation. The Department may approve lower priority locations on this list when such locations better achieve the intent of this Subtitle or county land use regulations. If on-site planting would have greater environmental benefit, the Department may approve off-site reforestation or afforestation in high-priority locations within Howard County, preferable within the same subbasin or watershed:</p> <p>(1) Establish or enhance forest in 100-year floodplains and buffers to intermittent and perennial streams as defined in Sections 16.108(23) and (53) and 16.116(a) of the Subdivision Regulations;</p> <p>(2) Establish or enhance forest in wetlands and 25-foot wetland buffers as defined in Sections 16.108(60) and 16.116(c)(6) of the Subdivision Regulations;</p> <p>(3) Establish or enhance critical habitat buffers and forest corridors for wildlife movement, the corridors, where practical, being a minimum of 300 feet in width;</p> <p>(4) Establish plantings to stabilize slopes of 25% or greater and slopes of 15% or greater with a soil K value greater than 0.35;</p> <p>(5) Establish forest areas adjacent to existing forests to increase the overall area of contiguous forest cover;</p> <p>(6) Establish buffers WITH A MINIMUM WIDTH OF 50’ along property lines between differing land uses when appropriate, or adjacent to highways or utility rights-of-way[[], particularly adjacent to scenic roads]; and</p>	<p><i>Only give priority to forest buffers that are wide enough to be meaningful as forest.</i></p>

ZONING REGULATIONS	
Section 108: R-20 (Residential: Single) District	
<p>D. Bulk Regulations (Also see Section 128.A, Supplementary Bulk Regulations.)</p> <p>1. The following maximum height limitations shall apply:</p> <p style="padding-left: 40px;">a. Principal structure34 feet</p> <p style="padding-left: 40px;">b. Accessory structure15 feet</p> <p>2. Minimum lot size (except IF LOTS ARE CLUSTERED as provided in SectionS 108.E AND 108.F of these regulations for mandatory open space)20,000 sq. ft.</p> <p>F. SPECIAL REQUIREMENTS FOR NEIGHBORHOOD INFILL SUBDIVISIONS OR RESUBDIVISIONS:</p> <p>1. DENSITY2 DWELLING UNITS PER NET ACRE</p> <p>2. MINIMUM LOT SIZE 20,000 SQUARE FEET</p> <p>[[F.]]G. Conditional Uses</p> <p>The following are conditional uses in the R-20 district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this section and Section 131, Section 131 shall prevail.</p> <p>1. Age-restricted Adult Housing</p> <p>2. Athletic Facilities, Outdoor</p> <p>3. Beauty Parlor/Barber shop</p> <p>4. Bed and Breakfast Inns</p> <p>5. Cemeteries and Mausoleums</p> <p>6. Charitable and Philanthropic Institutions</p> <p>7. Communication Towers or Antennas (Commercial)</p> <p>8. Country Clubs and Golf Courses</p> <p>9. Country Inns</p> <p>10. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities</p>	<p><i>Clarification</i></p> <p><i>Require small neighborhood infill developments to use net density as is required in most of the other residential districts, Net density limits development on parcels with environmental constraints.</i></p> <p><i>Revise subsection reference.</i></p>

<ul style="list-style-type: none"> 11. Farm Tenant House 12. Funeral Homes and Mortuaries 13. Historic Building Uses: Apartments, Business and Professional Offices and Community Meeting Halls. 14. Home Occupations 15. Kennels and Pet Grooming Establishments 16. Museums and Libraries 17. Nonprofit Clubs, Lodges, Community Halls and Camps 18. Nursing Homes and Residential Care Facilities 19. Religious Activities, Structures Used Primarily for 20. Retreat Center 21. School Buses (Parking and Storage) 22. Schools, Colleges, Universities – Private (Academic) 23. Two-Family Dwellings, Accessory Apartments and Age-Restricted Multi-Plex Dwellings 24. Utility Uses, Public 	
<p>Section 109: R-12 (Residential: Single) District</p>	
<p>D. Bulk Regulations (Also see Section 128.A Supplementary Bulk Regulations)</p> <ul style="list-style-type: none"> 1. The following maximum height limitations shall apply: <ul style="list-style-type: none"> a. Principal structure34 feet b. Accessory structure15 feet 2. Minimum lot size (except IF LOTS ARE CLUSTERED as provided in SectionS 109.E AND 109.F of these regulations for mandatory open space).....12,000 sq. ft. 	<p><i>Clarification</i></p>
<p>F. SPECIAL REQUIREMENTS FOR RESIDENTIAL INFILL SUBDIVISIONS OR RESUBDIVISIONS:</p> <ul style="list-style-type: none"> 1. DENSITY3 DWELLING UNITS PER NET ACRE 2. MINIMUM LOT SIZE 12,000 SQ. FT. <p>[[F.]]G. Other Provisions</p> <p>A zero lot line dwelling unit may be located on the property line provided that no part of the building shall protrude onto the adjoining lot, and provided that at the time of recordation of</p>	<p><i>Require small neighborhood infill developments to use net density as is required in most of the other residential districts. Net density limits development on parcels with environmental constraints</i></p>

<p>the Final Subdivision Plan, easements shall be recorded to permit access to the adjoining lot for purposes of maintenance to the side of any zero lot line dwelling which faces a side yard of less than seven and one-half feet. Further, a maintenance agreement shall be included in the deed where appropriate.</p> <p>[[G.]]H. Conditional Uses</p> <p>The following are conditional uses in the R-12 District, subject to the detailed requirement for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.</p> <ol style="list-style-type: none"> 1. Age-restricted Adult Housing 2. Athletic Facilities, Outdoor 3. Bed and Breakfast Inns 4. Cemeteries and Mausoleums 5. Charitable and Philanthropic Institutions 6. Communication Towers or Antennas (Commercial) 7. Country Clubs and Golf Courses 8. Country Inns 9. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities 10. Historic Building Uses: Apartments, Business and Professional Offices and Community Meeting Halls. 11. Home Occupations 12. Non-Profit Clubs, Lodges, Community Halls and Camps 13. Nursing Homes and Residential Care Facilities 14. Religious Activities, Structures Used Primarily for 15. School Buses (Parking and Storage) 16. Schools, Colleges, Universities – Private (Academic) 17. Two-Family Dwellings, Accessory Apartments, and Age-Restricted Multi-Plex Dwellings 18. Utility Uses, Public 	<p><i>Revise subsection reference.</i></p>
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